

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANTHONY CALIFORNIA, INC.,

Plaintiff,

vs.

JAMES MORAN, M&M SALES, INC., and  
DIRECT LIGHTING, L.L.C.,

Defendants.

**8:17CV112**

**ORDER**

As requested in the parties' joint motion, ([Filing No. 57](#)), which is hereby granted,

IT IS ORDERED that the progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m. on February 17, 2020**, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **January 28, 2020 at 9:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on January 24, 2020.
- 3) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **September 24, 2019 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is April 29, 2019. Motions to compel discovery under Rules 33, 34, and 36 must be filed by May 15, 2019  
**Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 5) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
- For the plaintiff(s): February 15, 2018.
- For the defendant(s): March 15, 2018.
- 6) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
- For the plaintiff(s): June 20, 2019.
- For the defendant(s): July 22, 2019.
- Plaintiff's Rebuttal Expert Report: August 12, 2019
- 7) The deposition deadline for Fact Witnesses is **June 20, 2019**.
- 8) Depositions of experts shall occur between August 19, 2019 and September 27, 2019.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is November 1, 2019.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 18, 2019.
- 11) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- 12) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) Report and the prior Progression Order at Filing No. 18 that are not inconsistent with this order.

Dated this 15th day of October, 2018.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge